

**Introduced by Senator Speier**

February 22, 2005

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An act to amend Section 12811 of the Vehicle Code, relating to vehicles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 689, as introduced, Speier. Vehicles: organ and tissue donors: registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

This bill would require the department to collect donor designation information on all applications for an original or renewal driver's license or identification card.

The bill would require the department to electronically transmit donor designation information on a monthly basis to the California Organ and Tissue Donation Registrar.

The bill would require the department to print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card issued after January 1, 2006.

The bill would authorize a person who applies for an original or renewal driver's license or identification card to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation. The bill would require this contribution to be collected by

the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for issuance of a driver's license or identification card.

The bill would prohibit the department from using more than an unspecified percentage of the donations collected under these provisions to cover certain of its actual administrative costs and would require the department to transmit the remaining funds to the registrar for support of the registry.

The bill would require the department's application forms for issuance of original and renewal driver's licenses and identification cards to include information directing persons who desire to change their donor status to the California Organ and Tissue Donor Registry's website.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12811 of the Vehicle Code is amended  
2 to read:

3 12811. (a) (1) (A) When the department determines that the  
4 applicant is lawfully entitled to a license, it shall issue to the  
5 person a driver's license as applied for. The license shall state the  
6 class of license for which the licensee has qualified and shall  
7 contain the distinguishing number assigned to the applicant, the  
8 date of expiration, the true full name, age, and mailing address of  
9 the licensee, a brief description and engraved picture or  
10 photograph of the licensee for the purpose of identification, and  
11 space for the signature of the licensee.

12 (B) Each license shall also contain a space for the endorsement  
13 of a record of each suspension or revocation thereof.

14 (C) The department shall use whatever process or processes, in  
15 the issuance of engraved or colored licenses, that prohibit, as  
16 near as possible, the ability to alter or reproduce the license, or  
17 prohibit the ability to superimpose a picture or photograph on the  
18 license without ready detection.

19 (2) In addition to the requirements of paragraph (1), a license  
20 issued to a person under 18 years of age shall display the words  
21 "provisional until age 18."

(b) (1) Upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry ~~with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code, including a donor dot that may be affixed to the new driver's license or identification card.~~

(2) *The department shall collect donor designation information on all applications for an original or renewal driver's license or identification card.*

(3) *The department shall electronically transmit donor designation information on a monthly basis to the California Organ and Tissue Donation Registrar.*

(4) *The department shall print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card issued after January 1, 2006.*

(5) (A) *A person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of two dollars (\$2) for the purpose of promoting and supporting organ donation. This contribution shall be collected by the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for the issuance of a driver's license or identification card.*

(B) *The department may use not more than \_\_\_ percent of the donations collected under this paragraph to cover its actual administrative costs incurred under paragraphs (2) and (3). The department shall transmit all revenue derived under this paragraph and remaining after the department's deduction for administrative costs to the registrar for support of the registry.*

(6) *The department's application forms for the issuance of original and renewal driver's licenses and identification cards shall include information directing persons who desire to change their donor status to the California Organ and Tissue Donor Registry's website.*

(7) *The enrollment form shall be simple in design and shall be produced by the department in cooperation with the California*

1 Organ and Tissue Donor Registrar and shall require all of the  
2 following information to be supplied by an enrollee:

3 (A) Date of birth, sex, full name, and other information  
4 deemed necessary to provide a positive identification of an  
5 individual.

6 (B) Consent for organs or tissues to be donated for transplant  
7 after death.

8 (C) Any limitation of the donation to specific organs or  
9 tissues.

10 ~~(3)~~

11 (8) The form shall also include both of the following:

12 (A) A description of the process for having a name removed  
13 from the registry, and the process for donating money for the  
14 benefit of the registry.

15 (B) A statement that the name of any person who enrolls in the  
16 registry pursuant to this section shall be made available to  
17 federally recognized donor organizations.

18 ~~(4)~~

19 (9) The registry enrollment form shall be posted on the Web  
20 sites for the department and the California Health and Human  
21 Services Agency.

22 ~~(5)~~

23 (10) The form shall constitute a legal document under the  
24 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
25 Section 7150) of Part 1 of Division 7 of the Health and Safety  
26 Code) and shall remain binding after the donor's death despite  
27 any express desires of next of kin opposed to the donation.

28 ~~(6)~~

29 (11) The registrar shall ensure that all additions and deletions  
30 to the registry shall occur within 30 days of receipt.

31 ~~(7)~~

32 (12) Information obtained by the registrar for the purposes of  
33 this subdivision shall be used for these purposes only and shall  
34 not be disseminated further by the registrar.

35 (c) A public entity or employee shall not be liable for any loss,  
36 detriment, or injury resulting directly or indirectly from false or  
37 inaccurate information contained in the form provided pursuant  
38 to subdivision (b).

39 (d) A contract shall not be awarded to any nongovernmental  
40 entity for the processing of driver's licenses, unless the contract

- 1 conforms to all applicable state contracting laws and all
- 2 applicable procedures set forth in the State Contracting Manual.

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